

## REMARKS

The Office Action dated October 19, 2006, has been carefully reviewed and the present amendment is submitted in response thereto. Claims 1-20 have been canceled, claims 21 and 22 have been amended, and claims 23-40 have been added. Claims 21-40 are pending in the application for consideration on the merits. Favorable consideration of this application as amended is requested.

### **Claim Rejections Under 35 U.S.C. § 102:**

Claims 1, 2, 7, 8 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ville et al. (4,543,074), hereafter referred to as Ville. Claims 1,2 7, and 8 have been canceled. With regard to amended claim 21, applicant respectfully traverses the rejection. In order to anticipate a claim under 35 U.S.C. 102(b), each and every element of the claim must be disclosed in the prior art reference, and arranged as in the claim.

Ville is directed to an uncoupling device for a rotary coupling of a first rotary shaft (1) to a second rotary shaft (2), with each shaft connected to one of two rotary machines. (Col. 3, lines 48-57). The uncoupling device includes, among other parts, a sacrificial intermediate shaft (14) that couples between the two rotary shafts and includes a frangible groove (19), as well as the first rotary shaft (1) including a frangible groove (18). In Ville, the intermediate shaft (14) shears apart at the groove (19) when second shaft is providing the driving torque and the torque is greater than a predetermined maximum torque. (Col. 5, lines 51-65) Also, Ville recites, “[i]n a first phase, the first shaft 1 is driving and the second shaft 2 is driven.” (Col. 5, lines 5-7). Ville also recites, “It is important to limit the transmission of power to a predetermined value of the maximum torque permitted in this first phase of operation. . . . If this value were exceeded, the frangible groove 18 of the first shaft is fractured and the configuration illustrated in FIG. 3 applied. All the elements of the device remain unchanged with the exception of the first shaft 1 of which the frangible groove 18 is sheared. (Col. 5, lines 37-47, emphasis added). For both phases in Ville, it is a torque, not a force, that causes one of the two frangible grooves (18 or 19) to shear. Moreover,

the uncoupling is for two rotary shafts connected to machines, not a bumper fascia and a lamp assembly.

Amended claim 21 is directed to the connection of a bumper fascia to a lamp assembly — not a rotary coupling of two shafts. Additionally, the assembly includes a device attached to both the bumper fascia and the lamp assembly and a means for causing the first fastener to detach from the lamp assembly without damaging the lamp assembly when a force of greater than a predetermined amount is applied to the bumper fascia. Ville is not directed to forces applied to a bumper fascia, but to torques applied to rotary shafts.

Claims 1-4, 7-10, 14, and 16-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Roof et al. (5,101,540), hereafter referred to as Roof. Claims 1-4, 7-10, 14, and 16-20 have been canceled. With regard to amended claim 21, applicant respectfully traverses the rejection. In order to anticipate a claim under 35 U.S.C. 102(b), each and every element of the claim must be disclosed in the prior art reference, and arranged as in the claim.

Roof discloses mounting clips (18, 20) that secure a lamp housing (22) of a center high mount stop light (14) to a sheet metal support panel (16) next to the rear window (backlite) (12) of a vehicle (10). Each clip (18, 20) has a reversely bent spring arm (40) with a tang (44) for engaging with a raised ramp member (36) on a flange (32) of the housing (22). Also, each clip (18, 20) has laterally spaced outwardly extending feet (48, 50) for engaging under a retainer slot (30) in the support panel (16) and a tongue (56) extending downwardly from an elongated body portion (38) for engaging with ratchet teeth (64) on the support panel (16). The support panel (16) appears to be located adjacent to and may actually be a part of a rear package shelf in the vehicle.

As far as removing the stop light (14) after installation (i.e., the release of the stop light (14) from the support panel (16)), Roof states, "[i]f for some reason it is desired to remove the stop light 14 from the support panel 16, this can be easily done by merely inserting a tool, such as a screw driver, into the opening 58 formed in the body portion 38 of each mounting clip and moving it upwardly to release the tongue 56 from engagement with the aforementioned ratchet teeth 64 and simultaneously moving

the stop light 14 away from the backlite 12 until the feet 48 and 50 of the hold-down portion are located in the access portion of slot 30 whereupon the lamp housing 22 can be raised and removed from the support panel." Accordingly, Roof only teaches releasing of clip when prying on the clip with tool — nothing at all about the releasing of one component when a force is applied to the other component. Nor does it teach any reason to want to perform such a function.

On the other hand, amended claim 21 is directed to a bumper fascia located adjacent to a lamp assembly. A bumper fascia is a term well known to those of ordinary skill in the art — it is not just a general term that means "panel" as is suggested by the examiner. Claim terms are generally given their ordinary and customary meaning, which is the meaning to a person of ordinary skill in the art, at the time of the invention, when read in the context of the claim and specification. *Phillips v. AWH Corp.*, 75 USPQ 2<sup>nd</sup> 1321 (Fed. Cir. 2005) (en banc). One of ordinary skill in the art, when determining the meaning of the term "bumper fascia," as used in the context of the claims and specification, including the drawings, would readily understand it to have its well-known customary meaning as a particular vehicle component. Thus, this element is missing from Roof, which teaches a package shelf upon which a high mount stop light is mounted.

In addition, amended claim 21 includes other structural limitations that are not disclosed or taught in Roof and moreover the structure of Roof does not perform the function that results from the claimed structure. In regard to claim 21, the applicant respectfully disagrees with the examiner's contention that:

Roof et al. disclose a device . . . comprising: . . . means for causing the first fastener to detach from the first component without damaging the first component when a force of greater than a predetermined amount is applied to the second component (there is no particular structure claimed to define how this operation is to be performed; it is noted that since the two components are not permanently secured to the device it is inherent that one can apply a certain force (to be the means for

causing the first fastener to detach ...') to the second component to dislodge the first fastener from the first component without damaging the first component.)

First, the structure for performing this function is in the claim. Second, it is not inherent at all that, just because two devices are not permanently secured, one can apply a certain force to a second component and dislodge a first fastener from a first component without damaging the first component. And, in fact, Roof does not teach or suggest this and very likely it could not do this — there is no indication that applying a certain force to the sheet metal support panel (16) (examiner's "second component") would dislodge the reversely bent spring arm (40) (examiner's "first fastener") from the lamp housing (22) (examiner's "first component") without damaging the lamp housing (22). Thus, with regard to Roof, it does not teach or suggest anything regarding the release of the lamp assembly due to a force being applied to the bumper fascia — let alone such a release occurring without damaging the lamp assembly. Roof specifically teaches the release of the clip from the lamp housing when prying on the clip itself.

Consequently, with at least these limitations of claim 21 missing from Roof, there cannot be anticipation of this claim under 35 U.S.C. 102(b).

#### **Claim Rejections Under 35 U.S.C. § 103:**

Claims 12, 13, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Roof et al. (5,101,540). Claims 12 and 13 have been canceled. With regard to amended claim 22, applicant respectfully traverses the rejection.

First, claim 22 depends from claim 21 and so is distinguishable over Roof for at least the reasons stated above relative to claim 21.

Second, there is no motivation in Roof or in Roof combined with the background section of the present application to modify the structure of Roof to produce the invention of claim 22. The problem to be solved is not recognized in Roof because this problem would not be present in a high mount stop light mounted on a package shelf inside a passenger compartment of a vehicle. Thus, there would be no motivation to modify Roof to perform the function that the claimed structure does (since it does not

perform the function claimed), let alone use it to mount a bumper fascia to a lamp assembly. The advantage of the present invention is completely missing from Roof and there is no teaching, suggestion or motivation in Roof to make such a modification.

More specifically, an impact on the vehicle bumper fascia may induce a force in the fascia. Above a predetermined force level, the device — which connects the fascia to the lamp assembly — will release from the lamp assembly, thus avoiding damage to the lamp assembly. Roof, being directed to a center high mount stop light that is mounted next to the vehicle backlite, is not near a bumper fascia. So a relatively small impact load to the vehicle, and in particular to a bumper fascia, will not induce any load that might damage the high mount stop light assembly, or the support panel to which it mounts for that matter. And, in fact, it may be undesirable to modify Roof in such a way that an impact to a bumper fascia (or package shelf for that matter) would release the high mount stop lamp housing because now it might be free to fly around in the passenger compartment of the vehicle.

Moreover, the examiner cites the Background section of the present application merely as indicating that a fascia may be attached to a headlamp or tail lamp. This does nothing to provide a teaching or motivation to modify Roof to provide the invention as claimed. Consequently, one skilled in the art would not find motivation to modify Roof for a tail lamp or headlamp assembly because it does not provide or suggest a reason for the desired function that the present invention does — it is not merely mounting a lamp assembly, but mounting a lamp assembly so that, when a force of greater than a predetermined amount is applied to the bumper fascia, the first fastener detaches from the lamp assembly without damaging the lamp assembly. So claim 22 is not obvious over Roof.

Claim 5 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Roof et al. as applied to claims 1-4, 7-10, 14, and 16-20 above, and further in view of Schneider et al. (5,363,537). Claims 5 and 11 have been canceled.

**New Claims:**

Claims 23 - 40 have been added. Applicant submits that the new claims do not add new matter as they are merely more focused on the problem that is solved by the present invention, which allows for connection of a bumper fascia to a lamp assembly and the release of the connection from the lamp assembly when a force greater than a predetermined amount is applied to the bumper fascia. The bumper fascia, lamp assembly, and device to connect the two, as presented in the various claims are shown in the drawings, and described in the specification, as filed.

Claims 23-27 ultimately depend from claim 21 and so are distinguishable from the art for at least the same reasons as claim 21. Moreover, each dependent claim adds limitations that may further distinguish them from the prior art.

Independent claim 28 is directed to a device for releasably fastening a lamp assembly to a bumper fascia, and specifically recites structural elements and their arrangement and interconnections that are not present in any of the cited references. Nor do any of the cited references provide motivation to be modified or combined to provide the structure and function of the invention as claimed in claim 28. Claims 29-33 depend from claim 28 and further distinguish from the cited references.

Independent claim 34 is directed to an assembly having a bumper fascia, a lamp assembly, and a device that interconnects the bumper fascia and the lamp assembly. None of the cited references discloses the structure and arrangement of elements for such a releasable connection of a lamp assembly to a bumper fascia. Also, none of the cited references provide motivation to be modified or combined to provide the structure of the invention as claimed in claim 34. Claims 35-40 depend from claim 34 and further distinguish from the cited references.

**Conclusion:**

In summary, it is believed that each formal and substantive requirement has now been met. Consequently, it is respectfully requested that all objections and rejections be withdrawn. The application is now believed to be in appropriate condition for allowance, which action is respectfully requested.

The fee for filing a Request for Continued Examination has been authorized on the cover sheet. No additional fees are believed to be due, but if there are, please charge any additional fees due to GM Deposit Account #07-0960.

Respectfully submitted,

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